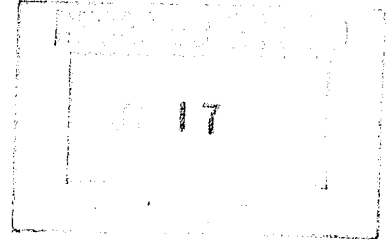


**FYI**



Decision 06-06  
Determination of Existing Way Status at 45 Main Street  
Amendment #1 – June 16, 2009

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Planning Board

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**AMENDMENT #1  
OF DECISION  
06-06**

**45 Main Street**  
Determination of the Status of the Existing Way at 45 Main Street

Centennial Lane LLC

June 16, 2009

This is an amendment by the Planning Board (hereinafter the Board) of its decision issued to Mr. Renwick S. Tweedy, Jr. filed with the Town Clerk on September 14, 2006 (hereinafter the Original Decision).

This Amendment is in response to the request of Mr. Paul Gaboury of Centennial Lane LLC, 12 Assabet Crossing, Acton, MA 01720 (hereinafter the Applicant) for an amendment of the Original Decision to clarify the affect of condition 3.3.6 pertaining to maintenance responsibilities for the way at 45 Main Street, now known as Centennial Lane, on Lot 4 as shown on a plan referenced in Exhibit 1.5 of this Amendment. The Board considered the request at its regular meeting on June 16, 2009 at the Acton Town Hall. Board members Mr. Greg Niemyski (Chairman), Mr. Bruce

Reichlen (Vice Chair), Mr. Alan Mertz (Clerk), Mr. Ryan Bettez, Mr. Ray Yacouby and Associate Member Mr. Jeff Clymer attended. The minutes of the meeting and submissions, on which this decision is based upon, may be referred to in the Office of the Town Clerk or in the Acton Planning Department.

## **1 EXHIBITS**

Submitted for the Board's deliberation were the following exhibits:

- 1.1 Planning Department memo dated 6/12/09.
- 1.2 Letter from Mr. Gaboury, Centennial Lane LLC, dated 6/1/09.
- 1.3 Memo from Corey York, Engineering Department, dated 5/27/09.
- 1.4 The Original Decision.
- 1.5 Plan of Land entitled "Main Street & Conant Street, Acton, Massachusetts", drawn by Foresite Engineering, dated August 28, 2007, signed by the Planning Board on August 30, 2007, and recorded at the Middlesex South District Registry of Deeds as Plan No. 986 of 2007.
- 1.6 "Plan of Land on Main Street & Centennial Lane" drawn by Foresite Engineering, dated May 21, 2008, signed by the Planning Board on July 10, 2008, and recorded at the Middlesex South District Registry of Deeds as Plan No. 619 of 2008.
- 1.7 Amended and Restated Private Way Covenant and Agreement dated July 15, 2008 and recorded at the Middlesex South District Registry of Deeds in Bk: 51483 Pg: 335.

## **2 FINDINGS AND CONCLUSIONS**

- 2.1 Centennial Lane LLC has acquired the subject land and way from the original applicant, Mr. Tweedy, and is now owner of Lot 4 as shown on the plan referenced in Exhibit 1.5.
- 2.2 The Board declared the way now known as Centennial Lane a street beginning on Main Street and running easterly for a distance of +/-560 feet to be a street for purposes of providing frontage under zoning for Lots 1A, 2A, and 3A shown and the Phillips Lot shown on the plan referenced in Exhibit 1.5, and for Lots 5 and 6 as shown on the plan referenced in Exhibit 1.6.
- 2.3 Centennial Lane as declared a street by the Board does not provide zoning frontage for Lot 4 as shown on the plan referenced in Exhibit 1.5.
- 2.4 This is a minor amendment in accordance with paragraph 3.2.3 (3.4.3) of the Original Decision and does not warrant a public hearing.

## **3 BOARD ACTION**

Therefore, the Board voted to **APPROVE** the requested modification of its Original Decision to:

- 3.1 Clarify that the Board required only the lots with zoning frontage on Centennial Lane to share in the maintenance responsibilities for Centennial Lane and specifically exclude Lot 4 from any maintenance responsibilities for Centennial Lane.
- 3.2 Affirm the Amended and Restated Private Way Covenant and Agreement referred to in Exhibit 1.7.

**4      CONDITIONS**

- 4.1      Except as modified herein, the Original Decision and the plan approved thereunder shall remain in effect.
- 4.2      This Amendment Decision shall be recorded at the Middlesex South District Registry of Deeds.

Signed on behalf of the Acton Planning Board

  
Roland Bartl, AICP, Town Planner

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**Copies to:**

Applicant -  
certified mail #  
Town Clerk  
Fire Chief

Building Commissioner  
Engineering Administrator  
Natural Resource Director  
Town Assessor

Board of Health  
Municipal Properties Director  
Town Manager